

Arkady Bukh  
Bukh Law Firm, PLLC  
1123 Avenue Z  
Brooklyn, NY 11235  
Phone: (718) 376-4766  
Fax: (718) 376-3033  
Email: [honorable@usa.com](mailto:honorable@usa.com)  
Attorney for Defendant  
Yevgeniy Nikulin

The Honorable William Alsup

UNITED STATES DISTRICT COURT FOR  
NORTHERN DISTRICT OF CALIFORNIA  
AT SAN FRANCISCO

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UNITED STATES OF AMERICA ) No.: 3:16-cr-00440-WHA-1  
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 )  
 v. ) Defendant's Status Conference  
 ) Report  
Yevgeniy Nikulin, )  
a/k/a "Chinabig01" ) Date: June 26, 2018  
a/k/a "dex.007" )  
a/k/a "valeriy.krutov3" )  
a/k/a "itBlackHat", )  
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 Defendant. )  
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Defendant Yevgeniy Nikulin, by and through his attorney Arkady Bukh, respectfully submits this status conference report to inform the Court of the status of his discovery review and other relevant matters.

On April 11 and 12, 2018, retained counsel Mr. Bukh and Ms. Nechay filed their appearances in this case, replacing

Defendant's appointed counsel. On April 17, 2018, the parties appeared before this Court for an initial status conference.

At that conference, the Court designated this case as complex based on nature of prosecution and voluminous discovery. Since that conference, counsel for Defendant have received voluminous discovery, including several terabytes of server logs and Internet service provider records. The United States has also produced thousands of pages of reports and analysis with underlying documents. The list of specific documents is contained in the United States' status report. Dkt. 36.

Thus, given the sheer volume and the complexity of discovery, despite the exercise of due diligence, counsel for Defendant will not be able to complete an adequate assessment of the case in order to be prepared for trial setting currently scheduled for June 26, 2018. It should be noted that while Defendant's counsel have made a substantial progress in the discovery review, they need an additional time to complete that review.

In addition, there are several other issues that negatively affected Defendant's counsel readiness for the June 26 status conference. First, there have been serious difficulties with communication with Defendant. Although Mr. Bukh, Ms. Nechay and Mr. Litvak have made numerous visits to Defendant and have had a substantial number of telephonic

conferences with him, those communications were not productive due to Defendant's stress level and strange behavior. To allay our concerns, we have requested from Santa Rita prison's mental health experts his mental assessment and filed a Hippa request to obtain said records. As such, due to this issue, Defendant's counsel were hindered in their preparation to the status conference.

Third, Defendant's counsel have been involved into aggressive litigation planning and strategizing concerning different possible scenarios of the case development.

For all these reasons, Defendant's counsel are not able to be adequately prepared to the June 26 status conference.

Dated: Brooklyn, New York  
June 25, 2018

Respectfully submitted,

/s/ Arkady Bukh

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1123 Avenue Z  
Brooklyn, NY 11235  
Phone: (718) 376-4766  
Fax: (718) 376-3033  
Email: [honorable@usa.com](mailto:honorable@usa.com)  
Attorney for Defendant Yevgeniy Nikulin

Certificate of Service

I hereby certify that I caused the above document to be served on counsel of record for the Government by filing it via the Court's CM/ECF system on this 25 day of June, 2018.

/s/ Arkady Bukh